

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

ORDER

Crim. No. 17-40 (MJD/FLN)

Antonio Guillen Reyes (01),

Defendant.

Thomas M. Hollenhorst, Assistant United States Attorney, Counsel for Plaintiff.

Shannon Elkins, Assistant Federal Defender, Counsel for Defendant Antonio Reyes.

The above-entitled matter comes before the Court on Defendant Antonio Reyes's objections to the Report and Recommendation of Magistrate Judge Franklin L. Noel dated July 31, 2017. Defendant objects to the recommendation that this Court deny his motion to suppress all evidence obtained from unlawful search and seizures based on the argument that the government lacked probable cause to search the car because neither drug dog "alerted" or "indicated" to the presence of drugs in the car. Defendant further argues that even if the dogs "alerted" to drugs, the evidence shows that the dogs' handlers engaged in highly

subjective interpretations of ambiguous dog behavior.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based on that review and the submissions of the parties regarding Defendant's objections, the Court adopts the Report and Recommendation and will deny Defendant's motions to suppress evidence.

IT IS HEREBY ORDERED:

1. Defendant's Motion to Suppress Evidence of Searches and Seizures [Doc. No. 50] is DENIED;
2. Defendant's Motion to Suppress Statements [Doc. No. 51] is DENIED as moot; and
3. Defendant's Motion for a Franks hearing [Doc. No. 61] is DENIED.

Date: September 12, 2017

s/Michael J. Davis

Michael J. Davis

United States District Court